

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

UNITED STATES OF AMERICA	§	
	§	
V.	§	CRIMINAL NO.: 4:09CR00565-001
	§	
DENNIS PHARRIS	§	
Defendant	§	

ORDER

On September 12, 2011, Sheri Hartwell, United States Probation Officer in the Southern District of Texas was served with a subpoena in the State of Texas v. Dennis Pharris in Cause No. 1210228, to appear in the 351<sup>st</sup> District Court of Harris County, Texas and give testimony.


The subpoena commanded the above-named United States Probation Officer to appear as a witness, but was not specific as to the testimony or documents requested. The Director of the Administrative Office of the United States Courts, pursuant to authority granted under 28 U.S.C. § 604, has created a comprehensive method governing testimony of judicial personnel and the production of judiciary records in legal proceedings, Guide to Judiciary Policy, Vol. 20 Chapter 8. The Guide provides any request for testimony or production of records must include a written statement containing the nature of the testimony and records sought, the relevance of the desired testimony and records, the reasons why the testimony and records are sought, and an explanation of why the testimony and records are not readily available by other means. *Id.* On September 12, 2011, the subpoenaing authority provided more specific details as to the testimony requested from United States Probation Officer Hartwell. The subpoenaing authority specifically requested that United States Probation Officer Hartwell testify as to: her background information including her job title and duties; define federal supervised release; identify Dennis Pharris as the person whom she is currently supervising in Cause No 4:09CR00565-001; the date of his conviction; that she reviewed the conditions of his supervised release with him and he appeared to understand those conditions; the conditions of his supervised release, specifically, the restitution amount, travel restrictions, notification of bank

accounts and no new criminal conduct; what specific amount of restitution has been made and excuses given; where he lives and what he drives; whether or not any travel was sought, when and to where; and, what bank accounts he noticed. The subpoenaing authority maintained United States Probation Officer Sheri Hartwell knows Mr. Pharris and can identify him in court as the same individual who was convicted of the federal charges and on supervised release. This identification of Mr. Pharris is necessary since the judgment does not contain any fingerprints. Further, United States Probation Officer Hartwell is the only person who has personal knowledge as to what terms and conditions of Mr. Pharris' supervision are, and whether he has been compliant or in violation of his supervised release. This information is necessary during the punishment phase to paint a more complete picture of Mr. Pharris' compliance while on supervised release.

After reviewing the subpoena and the additional information provided by the subpoenaing authority, the Court hereby:

ORDERS that United States Probation Officer Sheri Hartwell may testify for the limited purpose of providing her background information including her job title and duties; define federal supervised release; identify Dennis Pharris as the person whom she is currently supervising in Cause No 4:09CR00565-001; the date of his conviction; that she reviewed the conditions of his supervised release with him and he appeared to understand those conditions; the conditions of his supervised release, specifically, the restitution amount, travel restrictions, notification of bank accounts and no new criminal conduct; what specific amount of restitution has been made and excuses given; where he lives and what he drives; whether or not any travel was sought, when and to where; and, what bank accounts he noticed. Additionally, United States Probation Officer Hartwell shall be placed on call until her testimony is needed due to her responsibilities in the supervision of federal offenders.

SIGNED at Houston, Texas on this the 28<sup>th</sup> day of September 2011.

  
Nancy F. Atlas  
United States District Judge